

County of Loudoun
Department of Planning
MEMORANDUM

DATE: February 27, 2009

TO: Stephen Gardner, Project Manager
Land Use Review

FROM: Joe Gorney, AICP, Senior Planner *JG*
Community Planning

SUBJECT: SPEX 2008-0044 & CMPT 2008-0015, NIVO Substation, 2nd Referral

BACKGROUND

The Virginia Electric and Power Company (Dominion Virginia Power) requests a Special Exception and Commission Permit to develop and operate an electrical utility transmission substation in the Planned Development-Industrial Park (PD-IP) Zoning District under the 1972 Zoning Ordinance. The substation will occupy approximately 3.1 acres of an approximately 10.6-acre parcel and will be subject to a perpetual easement. The parcel is on the east side of Smith Switch Road, approximately one-half mile north of Farmwell Road. It is surrounded to the north, east, and south by properties zoned PD-IP. Surrounding uses include a data center to the south in the Ashburn Corporate Center and flex-industrial and warehouse uses in the Beaumeade Business Park to the north and east. A property zoned Planned Development – Housing (PD-H3) and owned by Stonegate Land Resources LLC is located on the west side of Smith Switch Road. The Cameron Chase Subdivision, zoned Single-Family Residential (R-1), is south of the Stonegate property. The site is located within the Route 28 Highway Improvement Transportation District. County records indicate forest and wetland resources on-site.

Staff notes that the proposed Special Exception would prompt a relocation of an existing lawn care business from the proposed Special Exception location to the western portion of the property. A site plan for the relocation, STPR 2009-0002, TruGreen LawnCare Relocation, is currently under review by the County.

The applicant has responded to First Referral comments dated December 19, 2008. Outstanding issues are discussed below.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The subject property is governed under the policies of the Revised General Plan, as amended. The property is located within the Ashburn Community of the Suburban

Policy Area and is designated for Business uses (Revised General Plan, Suburban Community Boundaries Map, Chapter 6; and Planned Land Use Map, Chapter 7).

OUTSTANDING ISSUES

Forest Resources

In the First Referral staff recommended that any impacts to forest resources be mitigated on-site, particularly along the western side of the project area, to help filter views of the proposed facilities from Smith Switch Road. Staff also recommended that the applicant provide information regarding plantings within the buffer yards.

In response, the applicant has shifted the substation entrance road slightly to the north to avoid a small patch of trees and has proposed landscape buffering that exceeds County requirements to mitigate any loss of forest resources.

The applicant has also provided planting details, featuring a mix of indigenous and non-native plants. Staff notes that the Revised General Plan encourages the incorporation of indigenous vegetation into the landscape (Revised General Plan, Chapter 5, Plant and Wildlife Habitat Policy 7).

Staff appreciates the amount of vegetation proposed in the buffer yards. Staff recommends that the applicant commit to the landscaping, a long-term maintenance plan, and the use of native species for a greater proportion of plantings.

Lighting

In the First Referral, staff recommended that any lighting be downward-directed and fully-shielded, provide a glare-free environment, be confined to the site, and have illumination levels that are no greater than necessary for a light's intended purpose. Staff also recommended that all lighting be mounted as low as practicable and designed to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment. Staff requested illustratives of the lighting elements and a commitment to their installation.

In response, the applicant proposes that all lighting will be downward directed and fully-shielded, providing a glare-free environment confined to the site.

Staff recommends that the applicant commit to lighting that is downward directed and fully-shielded, providing a glare-free environment confined to the site.

RECOMMENDATION

Staff recommends approval of the application provided the applicant commits to the proposed landscaping, a long-term maintenance plan for the landscaping, the use of native species for a greater proportion of the plantings, and lighting that is downward directed and fully-shielded, providing a glare-free environment confined to the site.

cc: Julie Pastor, AICP, Director, Department of Planning
Cindy Keegan, AICP, Program Manager, Community Planning (via email)

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County of Loudoun
Department of Planning
MEMORANDUM

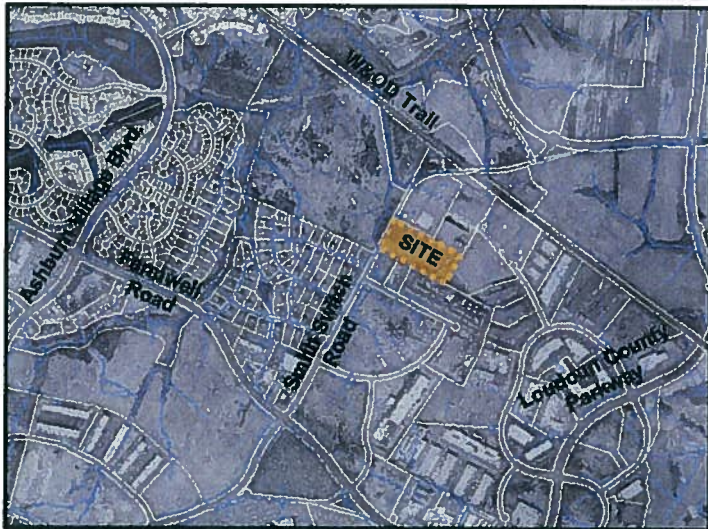
DATE: December 19, 2008

TO: Stephen Gardner, Project Manager
Land Use Review

FROM: Joe Gorney, AICP, Senior Planner *JG*
Community Planning

SUBJECT: SPEX 2008-0044 & CMPT 2008-0015, NIVO Substation

BACKGROUND



Vicinity Map

The Virginia Electric and Power Company (Dominion Virginia Power) requests a Special Exception and Commission Permit to develop and operate an electrical utility transmission substation in the Planned Development-Industrial Park (PD-IP) Zoning District under the 1972 Zoning Ordinance. The substation will occupy approximately 3.1 acres of an approximately 10.6-acre parcel and will be subject to a perpetual easement. The parcel is on the east side of Smith Switch Road, approximately one-half mile north of Farmwell Road. It is

surrounded to the north, east, and south by properties zoned PD-IP. Surrounding uses include a data center to the south in the Ashburn Corporate Center and flex-industrial and warehouse uses in the Beaumeade Business Park to the north and east. A property zoned Planned Development – Housing (PD-H3) and owned by Stonegate Land Resources LLC is located on the west side of Smith Switch Road. The Cameron Chase Subdivision, zoned Single-Family Residential (R-1), is south of the Stonegate property. The site is located within the Route 28 Highway Improvement Transportation District. County records indicate forest and wetland resources on-site.

The proposed substation is called NIVO Substation and is initially planned for two 84-megavolt ampere (MVA) 230-34.5 kV transformers and associated equipment. The

proposed substation will be configured to ultimately accommodate four transformers and associated equipment. The facilities are related to a request from DuPont Fabros Technology, Inc. for additional electrical load at the Ashburn Corporate Center for current and future data centers. Substation construction is planned for the summer of 2010. The substation equipment is planned to include three 75-foot tall static poles with a connecting cable between each pole. The remainder of the substation equipment will be approximately 27 feet tall. Access to the site is proposed from Smith Switch Road through a driveway along the southern property line. A separate application for a new 230 kV double-circuit underground transmission line from the proposed expansion of the Beaumeade Substation, north of the W&OD Trail, to the proposed NIVO Substation was submitted to the State Corporation Commission (SCC) on July 21, 2008. Construction of the underground line is expected to begin in summer 2009.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The subject property is governed under the policies of the Revised General Plan, as amended. The property is located within the Ashburn Community of the Suburban Policy Area and is designated for Business uses (Revised General Plan, Suburban Community Boundaries Map, Chapter 6; and Planned Land Use Map, Chapter 7).

ANALYSIS

LAND USE

The substation is proposed in an area designated as Business. Business land use policies address the location and character of large-scale office and light-industrial land uses in the Suburban Policy Area (Revised General Plan, Business text, Chapter 6). Light-Industrial uses, including flex, research and development, and smaller-scale manufacturing, are considered integral components of Business areas. The County will permit industrial uses that are compatible with office, commercial, and residential development by virtue of size and the lack of outdoor storage, manufacturing activities, or other activities or emissions that could have a detrimental impact on surrounding residential or business uses (Revised General Plan, Light-Industrial Use Policy 1, Chapter 6). Light-Industrial uses will be limited to those that do not require outside storage and which have negligible emissions, such as noise, odor, and vibration (Revised General Plan, Light-Industrial Use Policy 3, Chapter 6).

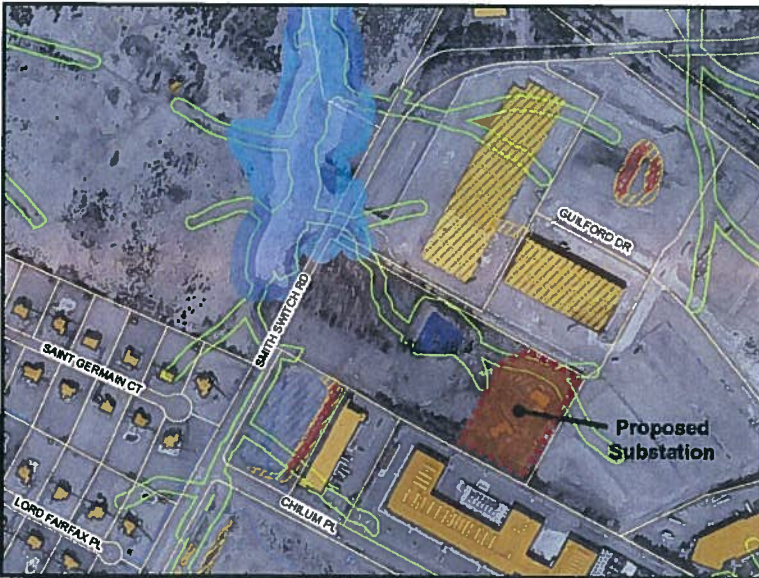
Loudoun County policies also support the timely delivery of electrical service to businesses as development occurs. The County recognizes that new technology companies, such as computer data centers, have a positive net fiscal impact to the County but have specialized infrastructure needs, such as additional electrical power (Revised General Plan, Energy and Communication Facilities text, Chapter 2).

The proposed substation will support economic development activity by providing service to the adjacent data centers and is in keeping with the County Comprehensive Plan. Staff supports siting the substation in the proposed location provided that the applicant addresses the issues discussed below.

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GREEN INFRASTRUCTURE

The Green Infrastructure is a collection of natural, cultural, heritage, environmental, protected, passive, and active resources. It includes such features as water and forest resources (Revised General Plan, Green Infrastructure Policy 1, Chapter 5). The proposed substation would impact some of these resources.



Site Map

County Geographic Information Systems (GIS) records indicate wetlands and forest resources on-site and a limited area of floodplain at the northwest corner of the site. The attached Site Map depicts predictive wetlands in green and floodplains and their buffers in blue. The proposed driveway would impact forest resources. There are no known archaeological or historic resources on-site.

Forest Resources

County policies encourage the preservation of existing vegetation and wildlife habitat on developing properties (Revised General Plan, Forests, Trees, and Vegetation Policy 10, Chapter 5). Areas disturbed by public utility expansions should be replanted and/or reforested and screened from adjacent uses (Revised General Plan, Energy and Communication Policy 2, Chapter 2).

Construction of the substation and the driveway would require the removal of some limited vegetation. Staff notes that the placement of the substation at the eastern end of the parcel within a disturbed area and the placement of the driveway along the northern boundary would minimize impacts to forest resources. The greatest concentration of forest resources is in the northwest quadrant of the property and would be unaffected by this application.

Staff notes that the proposed project area and driveway location would avoid the greatest impacts to forest resources. Staff recommends that any impacts to forest resources be mitigated on-site, particularly along the western side of the project area, to help filter views of the proposed facilities from Smith Switch Road.

SITE DESIGN

Visual Impacts

Recognizing their specialized infrastructure needs, such as additional electrical power, the County seeks to meet the needs of new technology companies but to prevent harmful environmental community impacts (Revised General Plan, Energy and Communication Facilities text, Chapter 2).

To help minimize community impacts, the County will require the grouping and burying of utility lines and facilities to the extent permitted by law (Revised General Plan, Energy and Communication Policy 1, Chapter 2). Additionally, high-tension power lines, communication towers, and similar facilities should be sufficiently separated from adjacent residential uses to minimize any scientifically recognized potential health and safety risk (Revised General Plan, Energy and Communication Policy 3, Chapter 2).

The proposed use is surrounded on three sides by light-industrial uses and is set back approximately 735 feet from Smith Switch Road and approximately 775 feet from the nearest planned or existing residential development.

The applicant proposes 20-foot wide Front and Side Buffer Yards (Type 4) to the north, west, and south and a 30-foot Rear Buffer Yard (Type 4) to the east. A distribution easement is located within the side and rear buffer yards. A transmission easement runs along the northern side of the driveway. It is not clear how buffer yard plantings would be affected by the distribution and transmission easements.

The applicant has provided three photo simulations of the proposed substation from various vantage points. Most of the proposed substation would be hidden from views within the Cameron Chase Subdivision due to existing vegetation and buildings within the Ashburn Corporate Center. Future residences within the Stonegate area would have a more direct view of the substation.

Staff notes that the transmission line from the Beaumeade Substation to the proposed NIVO Substation is expected to be installed underground, in keeping with House Bill 1319, signed into law on April 2, 2008, which establishes a pilot program to construct qualifying electric transmission lines of 230 kV or less in whole or in part underground and which directs the SCC to approve three such lines.

Staff recommends that the applicant provide information regarding plantings within the buffer yards and explain the impact of the distribution and transmission easements on these areas.

Access

Access to the site is proposed via a proposed 14-foot wide driveway from Smith Switch Road along the southern boundary of the property. The driveway is approximately 23 feet from the boundary line and traverses an open field to the project area.

Staff supports the proposed site access and the location of the driveway.

Lighting

The Revised General Plan promotes lighting standards that will “reduce light pollution such as glare, energy waste, light trespass, and the deterioration of the natural nighttime environment” (Revised General Plan, Lighting and Night Sky Policy 1, Chapter 5).

The applicant has not provided any information regarding lighting.

If any lighting is to be installed on-site, staff recommends that it be downward-directed and fully-shielded, provide a glare-free environment, be confined to the site, and have illumination levels that are no greater than necessary for a light’s intended purpose. All lighting should be mounted as low as practicable and designed to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment. The applicant should provide illustratives of the lighting elements and commit to their installation.

COMMISSION PERMIT

The County will determine the need for new public facilities and will identify suitable sites based on the Revised General Plan, appropriate area plans, land use, and growth policies (Revised General Plan, General Public Facilities Policy 2, Chapter 3).

Additionally, in accordance with the 1972 Zoning Ordinance, a Commission Permit is required when a public utility or public service facility is constructed to determine if the general location, character, and extent of the proposed use is in substantial accord with the Comprehensive Plan.

The area surrounding the proposed substation already contains several energy and communication facilities. These include the Beaumeade Substation, transmission towers along the W&OD Trail, and telecommunications facilities. Planned electrical facilities include an expansion of the Beaumeade Substation and an underground transmission line from the Beaumeade Substation to the NIVO Substation. The specialized infrastructure is necessary to serve the existing and planned data centers.

Staff finds that the general location, character, and extent of the proposed uses are in substantial accord with the Comprehensive Plan. Therefore, staff supports the approval of a Commission Permit for the proposed uses.

RECOMMENDATION

Staff recommends the application be revised to address the issues raised above.

Staff is available to meet with the applicant to discuss these issues.

cc: Julie Pastor, AICP, Director, Department of Planning
Cindy Keegan, AICP, Program Manager, Community Planning (via email)

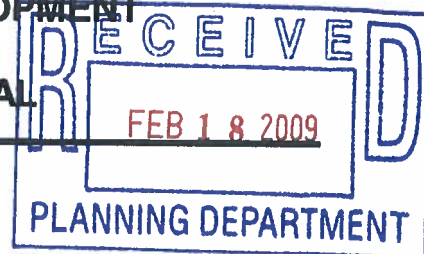
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COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

ZONING ADMINISTRATION REFERRAL



DATE: February 18, 2009

TO: Stephen Gardner, Project Manager

THROUGH: Marilee Seigfried, Deputy Zoning Administrator

FROM: Nita Bearer, Planner, Zoning Administration

CASE NUMBER AND NAME: SPEX-2008-0044 & CMPT-2008-0015
NIVO Substation
21362 Smith Switch Road, Ashburn

LCTM/MCPI: /79////////49A 060-27-8493

PLAN SUBMISSION NUMBER: 2nd Referral

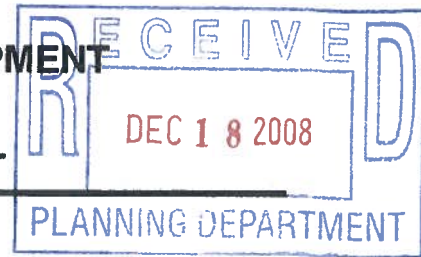
I. APPLICATION SUMMARY

Zoning staff has reviewed the second submission of the above-referenced special exception application for conformance with the 1972 Loudoun County Zoning Ordinance. The parcel is zoned Planned Development-Industrial Park and is located within the Route 28 Taxing District. Development of the property is subject to the proffers associated with ZMAP-1986-0024

II. ZONING COMMENTS

1. A site plan application (STPR-2009-0002) was submitted to relocate the existing commercial nursery located on the property to the front of the parcel. It was noted that the lease for the nursery expires in December 2010. Zoning staff recently attended a pre-submission meeting (PSUB-2009-0003) to discuss locating the substation to the rear of the property. Pursuant to Section 504, only one principal use may be located on a parcel. The applicant was informed that, in order to locate the substation at the referenced location prior to the nursery vacating the property, a subdivision waiver will be required to subdivide the parcel into two lots.
2. In the PD-IP Zoning Tabulation table on Sheet 1, the applicant included the requirement of a 10% tree canopy as requested. However, the requirement of landscaped open space was deleted. According to Section 722.5, landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot.
3. Add a note to the plan that lighting at the site is subject to the Light and Glare Standards of Section 5-1504.

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL



DATE: December 18, 2008

TO: Stephen Gardner, Project Manager

THROUGH: Marilee Seigfried, Deputy Zoning Administrator

FROM: Nita Bearer, Planner, Zoning Administration *mb*

CASE NUMBER AND NAME: SPEX-2008-0044 & CMPT-2008-0015
NIVO Substation
21362 Smith Switch Road, Ashburn

LCTM/MCPI: /79////////49A
060-27-8493

PLAN SUBMISSION NUMBER: 1st Referral

I. APPLICATION SUMMARY

Zoning staff has reviewed the above-referenced special exception application for conformance with the 1972 Loudoun County Zoning Ordinance. The parcel is zoned Planned Development-Industrial Park and is located within the Route 28 Taxing District. Development of the property is subject to the proffers associated with ZMAP-1986-0024

The materials submitted for review of the application consist of the following:

1. Information Sheet (w/adjacent parcel information)
2. Statement of Justification
3. Photo-simulation views
4. Special Exception Plan

II. ZONING COMMENTS

1. The applicant provided a list of adjacent properties. The plat must be updated with this current information, including the current use of the property.
2. Add a note to the plat indicating that development of the property is subject to the proffers associated with ZMAP-1986-0024.
3. The PD-IP zoning tabulation table on Sheet 1 indicates that the use is exempt from the height limitations pursuant to Section 520.4.1. The static poles are exempt from the

- height limitation if they are set back from the nearest lot line a distance equal to the height of the static pole. The static poles need to be set back a distance of 75' from the nearest lot line.
4. According to Sheet 3 of the special exception plat, a distribution easement is located within the sides and rear landscape buffer yards. Pursuant to Section 560.08, utility easements may be included within buffer yards if the utility requirements and buffer yard requirements are compatible and canopy trees are not planted within the easement. If the easement and buffer yards are not compatible, the special exception area should be expanded to accommodate both the easement and buffer yard.
 5. As required by Section 560, the applicant has provided a type 4 landscape buffer on the plat. A type 4 landscape buffer requires a 6' high masonry wall providing a minimum opacity of 95%, or a stockade fence to be located along the sides and rear buffer yards. The plat indicates that a chainlink fence will be provided. Prior to approval of a site plan for the substation, the applicant must request and be granted a landscape buffer modification for the fence pursuant to Section 560.09. If the required amount and type of plantings will not be provided, this should be included in the request for a modification.
 6. Indicate on the plat that a tree canopy of 10%, at the time of maturity, must be provided pursuant to Section 555.04.
 7. The required parking space must be located within the special exception area. Illustrate the location of the parking space on the plat.
 8. On Sheet 1, include the total acreage of the parcel in the PD-IP Zoning Tabulation table under "Lot Area," as well as the area to be included in the special exception.

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DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: December 22, 2008

TO: *for* Marilee Siegfried, Zoning Administration *MS*

FROM: Todd Taylor, Environmental Engineer *TJ*

THROUGH: Terrance D. Wharton, Director *TDW*
Gary Clare, Chief Engineer *GC*
William Marsh, Environmental Review Team Leader *WM*

SUBJECT: **SPEX-2008-0044 & CMPT-2008-0015**
NIVO Substation

The Environmental Review Team (ERT) reviewed the subject application during the December 8, 2008, ERT Meeting. Our comments pertaining to the current application are as follows:

1. For clarity of review, staff recommends providing the following site information:
 - Updating the existing tree lines on sheets 2 and 3 with the most current Loudoun County Geographic Information System (LOGIS) forest cover layer. Addressing this recommendation helps satisfy Item K.12 of the Special Exception Checklist.
 - Referencing the jurisdictional determination project number and date in the wetland boundary source note and label on sheets 1-3: JD# 07-2417 issued on June 1, 2008. Providing this information will help staff determine consistency with Revised General Plan (RGP) River and Stream Corridor Policies 11 and 23.
 - Adding the palustrine emergent (PEM) wetland to sheets 2 and 3 that is missing upstream of the existing pond, per JD# 07-2417. Providing this information will help staff determine consistency with RGP River and Stream Corridor Policies 11 and 23.
2. Consistent with the Forest, Trees, and Vegetation policies of the RGP and to minimize the impact of the special exception use on existing vegetation, which is an issue for consideration per Section 6-1310(H) of the Revised 1993 Loudoun County Zoning Ordinance, staff recommends maximizing tree preservation by utilizing existing vegetation towards fulfilling or partially fulfilling perimeter buffer yard requirements. Consequently, staff recommends shifting the entrance road to avoid corresponding to existing tree cover along the southern boundary of the property.

Please contact me if you need any additional information.

ATTACHMENT 1c.

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County of Loudoun

Office of Transportation Services – MSC # 69

MEMORANDUM



DATE: February 17, 2009

TO: Stephen Gardner, Project Manager, Department of Planning

THROUGH: Art Smith, Senior Coordinator, Office of Transportation Services

FROM: Norah M. Ocel, E.I.T., Transportation Engineer, OTS

SUBJECT: **SPEX 2008-0044 & CMPT 2008-0015, NIVO Substation**
2nd Submission

Location: The property is located on Smith Switch Road (Route 607), approximately 2,900 feet north of its intersection with Waxpool/Farmwell Road (Route 625).

Background

The applicant, Virginia Electric & Power Co/Dominion Virginia Power, is requesting approval of a special exception to permit a 230 kV substation in the PD-IP zoning district. The parcel is governed under the 1972 Zoning Ordinance. The applicant has submitted a plat, dated 11/13/2008, prepared by Dominion, a statement of justification for the proposed substation and a letter approved by George Phillips (OTS) replacing a formal traffic impact analysis, dated July 10, 2008.

The surrounding land uses are: to the North, South and East: Industrial (PD-IP), and to the West: Vacant/proposed residential (PD-H3).

According to 2007 VDOT estimates, Smith Switch Road carries an annual average daily traffic (AADT) volume of 890 vehicles.

According to the applicant, this site will generate an estimated one vehicle per month since it will be an unmanned facility.

ATTACHMENT 1 *a.*

A-15

Existing, Planned and Programmed Roads

Smith Switch Road is currently a two lane unpaved facility, 28 feet wide with no shoulders. There are no posted speed limit signs.

According to the Countywide Transportation Plan (CTP AI-17), Smith Switch Road is planned to be a local access 4 lane paved undivided urban collector. Left and right turn lanes are required at major intersections. The eastern terminus is to be realigned to intersect with the future Gloucester Parkway, approximately 1200 ft west of Loudoun County Parkway upon completion of Gloucester Parkway in this vicinity. The CTP calls for a 40 mph design speed.

Transportation Comments

Comment # 1. According to the CTP, Smith Switch Road will require 70' feet of ROW to be built to its ultimate condition. County records show there are only 10 feet of ROW currently dedicated in front of the property. Please provide 35' feet of ROW from the centerline to the property line and depict it on this application.

Response: Thirty-five feet right-of-way from the centerline is shown on sheet 3.

Status: Comment # 1 is resolved.

Conclusion

OTS has no objection to the approval of this application.

CC. Andrew Beacher, Assistant Director, OTS
Charles Acker, Transportation Operation Engineer, OTS
Arthur Smith, Senior Coordinator, OTS

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County of Loudoun

Office of Transportation Services – MSC # 69

MEMORANDUM

DEC 22 2008

PLANNING DEPARTMENT

DATE: December 19, 2008

TO: Stephen Gardner, Project Manager, Department of Planning

THROUGH: Art Smith, Senior Coordinator, Office of Transportation Services

FROM: Norah M. Ocel, E.I.T., Transportation Engineer, OTS

SUBJECT: **SPEX 2008-0044 & CMPT 2008-0015, NIVO Substation**
1st Submission

Location: The property is located on Smith Switch Road (Route 607), approximately 2,900 feet north of its intersection with Waxpool/Farmwell Road (Route 625).

Background

The applicant, Virginia Electric & Power Co/Dominion Virginia Power, is requesting approval of a special exception to permit a 230 kV substation in the PD-IP zoning district. The parcel is governed under the 1972 Zoning Ordinance. The applicant has submitted a plat, dated 11/13/2008, prepared by Dominion, a statement of justification for proposed substation and a letter approved by George Phillips (OTS) replacing a formal traffic impact analysis, dated July 10, 2008.

The surrounding land uses are: to the North, South and East: Industrial (PD-IP), and to West: Vacant/proposed residential (PD-H3).

According to 2007 VDOT estimates, Smith Switch Road carries an annual average daily traffic volume (AADT) of 890 vehicles.

According to the applicant, this site will generate an estimated one vehicle per month since it will be an unmanned facility.

A-17

Existing, Planned and Programmed Roads

Smith Switch Road is currently a two lane unpaved facility, 28 feet wide with no shoulders. There are no posted speed limit signs.

According to the Countywide Transportation Plan (CTP AI-17), Smith Switch Road is planned to be a local access 4 lane paved undivided urban collector. Left and right turn lanes are required at major intersections. The eastern terminus is to be realigned to intersect with the future Gloucester Parkway, approximately 1200 ft west of Loudoun County Parkway upon completion of Gloucester Parkway in this vicinity. The CTP calls for a 40 mph design speed.

Transportation Comments

1. According to the CTP, Smith Switch Road will require 70' feet of ROW to be built to its ultimate condition. County records show there are only 10 feet of ROW currently dedicated in front of the property. Please provide 35' feet of ROW from the centerline to the property line and depict it on this application.

Conclusion

OTS will provide a recommendation once our comment is satisfactorily addressed.

CC. Andrew Beacher, Assistant Director, OTS
Charles Acker, Transportation Operation Engineer, OTS
Arthur Smith, Senior Coordinator, OTS

A-18



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

DAVID S. EKERN, P.E.
COMMISSIONER

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)
February 13, 2009

Mr. Stephen Gardner **MSC#62**
County of Loudoun
Department of Planning
1 Harrison Street, S.E.
Leesburg, Virginia 20177-7000



Re: ZMOD 2008-0018, SPEX 2008-0044 & CMPT 2008-0015 NIVO Substation
Loudoun County

Dear Mr. Gardner:

I have reviewed the above plan as requested in your submittal dated February 3, 2009, and received on February 6, 2009. Previous comments have been addressed and I have no objection to the approval of this plan. Please note the site entrance design will be required to meet the VDOT Commercial Entrance standards at the time the site plan is processed. Additional improvements on Smiths Switch Road may be necessary, especially if the site is used for recreational activities (a soccer goal is indicated on the site).

If you have any questions, please call me at (703)383-2424.

Sincerely,

Kevin Nelson
Transportation Engineer

cc: Mr. Imad Salous
spex2008-044se2NIVOSubstation2-13-09SG

ATTACHMENT 1 *e.*



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

DAVID S. EKERN, P.E.
COMMISSIONER

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

December 12, 2008

Mr. Stephen Gardner **MSC#62**
County of Loudoun
Department of Planning
1 Harrison Street, S.E.
Leesburg, Virginia 20177-7000



Re: SPEX 2008-0044 & CMPT 2008-0015 NIVO Substation
Loudoun County

Dear Mr. Elabarger:

I have reviewed the above plan as requested in your submittal dated November 21, 2008, and received on November 25, 2008. The following comments are offered:

1. Frontage improvements should be provided in conformance with the County Comprehensive Plan.
2. Intersection sight distance should be demonstrated for the site access.

If you have any questions, please call me at (703)383-2424.

Sincerely,

Kevin Nelson
Transportation Engineer

cc: Mr. Imad Salous
spex2008-044se1NIVOSubstation12-12-08SG

A-20



Loudoun County, Virginia
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Stephen Gardner, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: February 18, 2009
Subject: NIVO Substation, Second Referral
SPEX 2008-0044 & CMPT 2008-0015

Thank you for the opportunity to review the second submission of the above-captioned application. The Fire and Rescue Planning Staff has no further comments.

If you have any questions or need additional information, please contact me at 703-777-0333.



c: Project file

ATTACHMENT 1 f.



Loudoun County, Virginia
Department of Fire, Rescue and Emergency Management
803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Stephen Gardner, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: January 6, 2009
Subject: NIVO Substation
SPEX 2008-0044 & CMPT 2008-0015



Thank you for the opportunity to review the above captioned application. The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the application as presented.

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project name	Ashburn VFRC Station 23 Travel Time
060-27-8493	NIVO Substation	2 minutes (temp station) 4 min, 24 sec (perm station)

The Travel Times for each project were calculated using ArcGIS and Network Analyst extension to calculate the travel time in minutes. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied another one to three minutes should be added.

Project name	Ashburn VFRC Approximate Response Times
NIVO Substation	4 minutes (temp station) 6 minutes, 24 seconds (perm station)

If you have any questions or need additional information, please contact me at 703-777-0333.

c: Project file



Loudoun County Health Department

P.O. Box 7000
Leesburg VA 20177-7000




Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Community Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

6 February 2009

MEMORANDUM TO: Stephen Gardner, Project Manager
Department of Planning, **MSC 62**

FROM:  Matthew D. Tolley
Sr. Env. Health Specialist
Division of Environmental Health, **MSC 68**

SUBJECT: **SPEX 2008-0044; NIVO substation**
LCTM: 79/49A (PIN 060-27-8493)

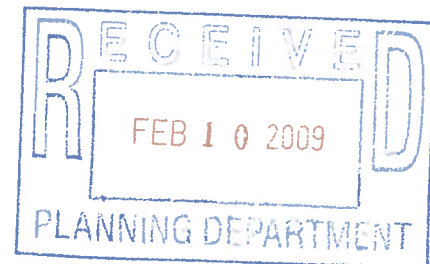
The Health Department recommends approval of this application. There are two existing wells which must be abandoned, as well as a septic tank. Both wells and the septic tank must be abandoned prior to any record plat or site plan approval. The actual abandonment work must be preceded by application for and issuance of free permits with this department. The plat reviewed was prepared by Dominion and was revised 22 January 2009.

Attachments Yes ___ No X

If further information or clarification on the above project is required, please contact Matt Tolley at 771-5248.

MDT/JEL/mt
c:subdvgd.ref

ATTACHMENT 1 





Loudoun County Health Department

P.O. Box 7000
Leesburg VA 20177-7000




Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Community Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

1 December 2008

MEMORANDUM TO: Stephan Gardner, Project Manager
Department of Planning, **MSC 62**

FROM:  Matthew D. Tolley
Sr. Env. Health Specialist
Division of Environmental Health, **MSC 68**

SUBJECT: **SPEX 2008-0044; NIVO substation**
LCTM: 79/49A (PIN 060-27-8493)

The Health Department recommends conditional approval of this application. There are two existing wells which must be abandoned, as well as a septic tank. Page 2 of the plat refers to the well on the eastern property line as "abandoned" while in fact it is the well serving the former residence, now landscape office. The other well is an irrigation well drilled in 1999. Both wells and the septic tank must be abandoned prior to any record plat or site plan approval. The actual abandonment work must be preceded by application for and issuance of free permits with this department. The plat reviewed was prepared by Dominion and was dated 13 November 2008.

Attachments Yes ___ No X

If further information or clarification on the above project is required, please contact Matt Tolley at 771-5248.

MDT/JEL/mt
c:subdygd.ref



Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated Mar 12, 2009 for the Application of

(enter date of affidavit)

Virginia Electric and Power Company (d/b/a Dominion Virginia Power)

(enter name(s) of Applicant(s))

in Application Number(s): CMPT 2008-0015/SPEX 2008-0044/ZMOD 2008-00018

(enter Application number(s))

I, Mark M. Viani, do hereby state that I am an

(check one) Applicant (must be listed in Paragraph B of the above-described affidavit)

 X Applicant's Authorized Agent (must be listed in Paragraph C of the above-described affidavit)

and that to the best of my knowledge and belief, the following information is true:

(check one)

 I have reviewed the above-described affidavit, and the information contained therein is true and complete as of _____ (today's date); or

 X I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

 X Paragraph C-1

 X Paragraph C-2

 X Paragraph C-3

 Paragraph C-4(a)

 Paragraph C-4(b)

 Paragraph C-4(c)



WITNESS the following signature: [Signature]

(check one)

 Applicant X Applicant's Authorized Agent

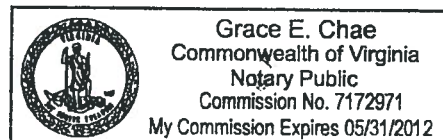
Mark M. Viani, Esquire

(Type or print first name, middle initial, last name and title of signee)

Subscribed and sworn to before me this 21st day of April, 2009,
in the State/Commonwealth of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My Commission expires: 5/31/2012



I, Mark M. Viani, do hereby state that I am an

 Applicant

X Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): CMPT 2008-0015/SPEX 2008-0044

and that to the best of my knowledge and belief, the following information is true:

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<i>PIN</i>	<i>NAME (First, M.I., Last)</i>	<i>ADDRESS (Street, City, State, Zip Code)</i>	<i>RELATIONSHIP (Listed in bold above)</i>
	Virginia Electric and Power Company d/b/a Dominion Virginia Power - Steve Quarberg - Courtney R. Fisher - Phil Sparks	120 Tredegar Street Richmond, VA 23219	Applicant/Agent
060-27-8493	Yak Ventures LLC - Lamot J. du Pont - Hossein Fateh - Richard A. Montfort	1212 New York Ave., NW Suite 900 Washington, D.C. 20005	Title Owner/Agent
	Cooley Godward Kronish LLP - Antonio J. Calabrese - Mark C. Looney - Colleen P. Gillis Snow - Jill D. Switkin - Brian J. Winterhalter - Shane M. Murphy - Jeffrey A. Nein - Ben I. Wales - Molly M. Novotny	11951 Freedom Drive Suite 1500 Reston, VA 20190-5656	Zoning Consultant for Title Owner/Agent

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

X There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<i>PIN</i>	<i>NAME</i> <i>(First, M.I., Last)</i>	<i>ADDRESS</i> <i>(Street, City, State, Zip Code)</i>	<i>RELATIONSHIP</i> <i>(Listed in bold above)</i>
	McGuireWoods LLP Mark M. Viani, Esquire Lori R. Greenlief, Land Use Planner	1750 Tysons Boulevard, Suite 1800 McLean, VA 22102	Attorney/Planner for Applicant

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

☐ There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Virginia Electric and Power Company, d/b/a Dominion Virginia Power, 120 Tredegar Street, Richmond, VA 23219

Description of Corporation:

☐ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☒ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME <i>(First, M.I., Last)</i>	SHAREHOLDER NAME <i>(First, M.I., Last)</i>

Names of Officers and Directors:

NAME <i>(First, M.I., Last)</i>	Title <i>(e.g. President, Treasurer)</i>
NA	

Check if applicable:

☒ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Yak Ventures, LLC, 1212 New York Avenue, NW, Suite 900, Washington, D.C. 20005

Description of Corporation:

X *There are 100 or fewer shareholders and all shareholders are listed below.*

 There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

 There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

 There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Yak Interests, LLC	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Yak Interests, LLC	Managing Member

Check if applicable:

X *There is additional Corporation Information. See Attachment to Paragraph C-2.*

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Yak Interests, LLC, 1212 New York Avenue, NW, Suite 900, Washington, D.C. 20005

Description of Corporation:

X *There are 100 or fewer shareholders and all shareholders are listed below.*

 There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

 There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

 There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Yak Management, LLC	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

X *There is additional Corporation Information. See Attachment to Paragraph C-2.*

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Yak Management, LLC, 1212 New York Avenue, NW, Suite 900, Washington, D.C. 20005

Description of Corporation:

X There are 100 or fewer shareholders and all shareholders are listed below.

___ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

___ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

___ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
DuPont Fabros Technology, Inc.	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

X There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

DuPont Fabros Technology, Inc., 1212 New York Avenue, NW, Suite 900, Washington, D.C. 20005

Description of Corporation:

☐ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☒ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

<i>SHAREHOLDER NAME</i> <i>(First, M.I., Last)</i>	<i>SHAREHOLDER NAME</i> <i>(First, M.I., Last)</i>

Names of Officers and Directors:

<i>NAME</i> <i>(First, M.I., Last)</i>	<i>Title</i> <i>(e.g. President, Treasurer)</i>

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

Cooley Godward Kronish LLP, 11951 Freedom Drive, Suite 1500, Reston, VA 20190

X (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> <i>(First, M.I., Last)</i>	<i>Title</i> <i>(e.g. General Partner, Limited Partner, etc)</i>
Jane K. Adams	Partner
Gian-Michele a Marca	Partner
Maureen P. Alger	Partner
Gordon C. Atkinson	Partner
Michael A. Attanasio	Partner
Jonathan P. Bach	Partner
Celia Goldwag Barenholtz	Partner
Frederick D. Baron	Partner
James A. Beldner	Partner

Check if applicable:

X Additional Partnership information attached. *See Attachment to Paragraph C-3.*

NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)	NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)
Keith J. Berets	Partner	Lester J. Fagen	Partner
Laura A. Berezin	Partner	Brent D. Fassett	Partner
Russell S. Berman	Partner	David J. Fischer	Partner
Laura Grossfield Birger	Partner	M. Wainwright Fishburn, Jr.	Partner
Barbara L. Borden	Partner	M. Manuel Fishman	Partner
Jodie M. Bourdet	Partner	Keith A. Flaum	Partner
Wendy J. Brenner	Partner	Grant P. Fondo	Partner
Matthew J. Brigham	Partner	Daniel W. Frank	Partner
Robert J. Brigham	Partner	Richard H. Frank	Partner
John P. Brockland	Partner	William S. Freeman	Partner
James P. Brogan	Partner	Steven L. Friedlander	Partner
Nicole C. Brookshire	Partner	Thomas J. Friel, Jr.	Partner
Alfred L. Browne, III	Partner	Koji F. Fukumura	Partner
Matthew D. Brown	Partner	James F. Fulton, Jr.	Partner
Matthew T. Browne	Partner	Philip J. Gall	Partner
Robert T. Cahill	Partner	William S. Galliani	Partner
Antonio J. Calabrese	Partner	Stephen D. Gardner	Partner
Linda F. Callison	Partner	John M. Geschke	Partner
Roel C. Campos	Partner	Kathleen A. Goodhart	Partner
William Lesse Castleberry	Partner	Lawrence C. Gottlieb	Partner
Lynda K. Chandler	Partner	Shane L. Goudey	Partner
Dennis (nmi) Childs	Partner	William E. Grauer	Partner
Ethan E. Christensen	Partner	Jonathan G. Graves	Partner
Richard E. Climan	Partner	Kimberley J. Kaplan-Gross	Partner
Samuel S. Coates	Partner	Paul E. Gross	Partner
Alan S. Cohen	Partner	Kenneth L. Guernsey	Partner
Thomas A. Coll	Partner	Patrick P. Gunn	Partner
Joseph W. Conroy	Partner	Zvi (nmi) Hahn	Partner
Jennifer B. Coplan	Partner	John B. Hale	Partner
Carolyn L. Craig	Partner	Andrew (nmi) Hartman	Partner
John W. Crittenden	Partner	Bernard L. Hatcher	Partner
Janet L. Cullum	Partner	Matthew B. Hemington	Partner
Nathan K. Cummings	Partner	Cathy Rae Hershcopf	Partner
John A. Dado	Partner	John (nmi) Hession	Partner
Craig E. Dauchy	Partner	Gordon K. Ho	Partner
Darren K. DeStefano	Partner	Suzanne Sawochka Hooper	Partner
Scott D. Devereaux	Partner	Mark M. Hrenya	Partner
Jennifer Fonner DiNucci	Partner	Christopher R. Hutter	Partner
James J. Donato	Partner	Jay R. Indyke	Partner
Michelle C. Doolin	Partner	Craig D. Jacoby	Partner
John C. Dwyer	Partner	Eric C. Jensen	Partner
Robert L. Eisenbach, III	Partner	Robert L. Jones	Partner

Check if applicable:

X Additional information for Item C-3 is included on an additional copy of page C-3.

NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)	NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)
Barclay J. Kamb	Partner	Timothy J. Moore	Partner
Richard S. Kanowitz	Partner	Webb B. Morrow, III	Partner
Jeffrey S. Karr	Partner	Kevin P. Mullen	Partner
Scott L. Kaufman	Partner	Frederick T. Muto	Partner
Sally A. Kay	Partner	Ryan (nmi) Naftulin	Partner
J. Michael Kelly	Partner	Stephen C. Neal	Partner
Jason L. Kent	Partner	James E. Nesland	Partner
James C. Kitch	Partner	Alison (nmi) Newman	Partner
Michael J. Klisch	Partner	William H. O'Brien	Partner
Michael H. Knight	Partner	Thomas D. O'Connor	Partner
Jason (nmi) Koral	Partner	Vincent P. Pangrazio	Partner
Barbara A. Kosacz	Partner	Timothy G. Patterson	Partner
Kenneth J. Krisko	Partner	Anne H. Peck	Partner
John G. Lavoie	Partner	D. Bradley Peck	Partner
Robin J. Lee	Partner	Susan Cooper Philpot	Partner
Shira Nadich Levin	Partner	Benjamin D. Pierson	Partner
Alan (nmi) Levine	Partner	Frank V. Pietrantonio	Partner
Michael S. Levinson	Partner	Mark B. Pitchford	Partner
Elizabeth L. Lewis	Partner	Michael L. Platt	Partner
Michael R. Lincoln	Partner	Christian E. Plaza	Partner
James C. T. Linfield	Partner	Lori R.E. Ploeger	Partner
David A. Lipkin	Partner	Thomas F. Poche	Partner
Chet F. Lipton	Partner	Anna B. Pope	Partner
Cliff Z. Liu	Partner	Marya A. Postner	Partner
Samuel M. Livermore	Partner	Steve M. Przesmicki	Partner
Douglas P. Lobel	Partner	Seth A. Rafkin	Partner
J. Patrick Loofbourrow	Partner	Frank F. Rahmani	Partner
Mark C. Looney	Partner	Marc (nmi) Recht	Partner
Robert B. Lovett	Partner	Thomas Z. Reicher	Partner
Andrew P. Lustig	Partner	Eric M. Reifschneider	Partner
Michael X. Marinelli	Partner	Michael G. Rhodes	Partner
John T. McKenna	Partner	Michelle S. Rhyu	Partner
Daniel P. Meehan	Partner	Julie M. Robinson	Partner
Beatriz (nmi) Mejia	Partner	Ricardo (nmi) Rodriguez	Partner
Thomas C. Meyers	Partner	Adam C. Rogoff	Partner
Erik B. Milch	Partner	Jane (nmi) Ross	Partner
Robert H. Miller	Partner	Richard S. Rothberg	Partner
Chadwick L. Mills	Partner	Adam J. Ruttenberg	Partner
Brian E. Mitchell	Partner	Adam (nmi) Salassi	Partner
Patrick J. Mitchell	Partner	Thomas R. Salley, III	Partner
Ann M. Mooney	Partner	Richard S. Sanders	Partner
Gary H. Moore	Partner	Glen Y. Sato	Partner

Check if applicable:

 X Additional information for Item C-3 is included on an additional copy of page C-3.

NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)	NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)
Martin S. Schenker	Partner	John H. Toole	Partner
Joseph A. Scherer	Partner	Robert J. Tosti	Partner
Paul H. Schwartz	Partner	Michael S. Tuscan	Partner
Renee (nmi) Schwartz	Partner	Edward Van Geison	Partner
William J. Schwartz	Partner	Miguel J. Vega	Partner
Brent B. Siler	Partner	Erich E. Veitenheimer, III	Partner
Gregory A. Smith	Partner	Aaron J. Velli	Partner
Whitty (nmi) Somvichian	Partner	Robert R. Vieth	Partner
Mark D. Spoto	Partner	Lois K. Voelz	Partner
Wayne O. Stacy	Partner	Craig A. Waldman	Partner
Neal J. Stephens	Partner	Kent M. Walker	Partner
Donald K. Stern	Partner	David A. Walsh	Partner
Michael D. Stern	Partner	David M. Warren	Partner
Anthony M. Stiegler	Partner	Steven K. Weinberg	Partner
Steven M. Strauss	Partner	Thomas S. Welk	Partner
Myron G. Sugarman	Partner	Christopher A. Westover	Partner
Christopher J. Sundermeier	Partner	Francis R. Wheeler	Partner
Ronald R. Sussman	Partner	Brett D. White	Partner
C. Scott Talbot	Partner	Peter J. Willsey	Partner
Mark P. Tanoury	Partner	Nancy H. Wojtas	Partner
Philip C. Tencer	Partner	Jessica R. Wolff	Partner
Gregory C. Tenhoff	Partner	Nan (nmi) Wu	Partner
Michael E. Tenta	Partner	John F. Young	Partner
Timothy S. Teter	Partner	Kevin J. Zimmer	Partner
ADDITIONS:			
Elias J. Blawie	Partner		
Renee R. Deming	Partner		
Sonya F. Erickson	Partner		
Alison J. Freeman-Gleason	Partner		
Jon E. Gavenman	Partner		
Kevin F. Kelly	Partner		
Natasha V. Leskovsek	Partner		
Mark A. Medearis	Partner		
Keith A. Miller	Partner		
Amy E. Paye	Partner		
John W. Robertson	Partner		
John H. Sellers	Partner		
Mark B. Weeks	Partner		
Mark (nmi) Windfield-Hansen	Partner		
Mavis L. Yee	Partner		

Check if applicable:

X Additional information for Item C-3 is included on an additional copy of page C-3.

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

McGuireWoods LLP, 1750 Tysons Boulevard, Suite 1800, McLean, VA 22102

X (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> (<i>First, M.I., Last</i>)	<i>Title</i> (<i>e.g. General Partner, Limited Partner, etc</i>)
Thomas C. Brown, Jr.	Equity Partner
Dorothea W. Dickerman	Equity Partner
Margaret M. Glassman	Equity Partner
Sean F. Murphy	Equity Partner
Clive R.G. O'Grady	Equity Partner
Jonathan P. Rak	Equity Partner
Gregory A. Riegle	Equity Partner
Lawrence E. Rifken	Equity Partner
Stephen W. Robinson	Equity Partner
Thomas E. Spahn	Equity Partner
David I. Swan	Equity Partner

Check if applicable:

 Additional Partnership information attached. See Attachment to Paragraph C-3.

4. ADDITIONAL INFORMATION

- a. One of the following options **must** be checked:

☐ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(a).

- b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

EXCEPT AS FOLLOWS: (If none, so state). NONE.

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(b).

- c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

EXCEPT AS FOLLOWS: (If none, so state). NONE.

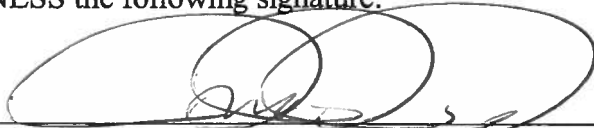
Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(c).

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:

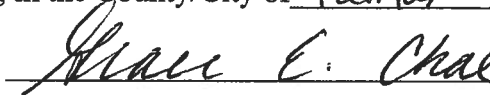


check one: ☐ Applicant or ☒ Applicant's Authorized Agent

Mark M. Viani, Esquire

(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 21st day of April, 2009, in the
State/Commonwealth of Virginia, in the County/City of Fairfax.



Notary Public

My Commission Expires: 5/31/2012



Grace E. Chae
Commonwealth of Virginia
Notary Public
Commission No. 7172971
My Commission Expires 05/31/2012

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Dominion Virginia Power

Commission Permit and Special Exception Applications

Statement of Justification for Proposed NIVO Substation

Virginia Electric and Power Company ("Dominion Virginia Power" or the "Company") proposes to construct in Loudoun County at 21362 Smith Switch Rd., Ashburn, Virginia a new 230 kV substation on a portion of an industrially-zoned parcel owned by Yak Ventures, LLC, an entity of DuPont Fabros Technology, Inc. ("DuPont Fabros" or the "Customer") and identified as Tax Map 79, Parcel 49A (PIN: 060-27-8493). The substation site will occupy approximately 3.10 acres of the 10-acre parcel and will be subject to a perpetual easement. The new substation will be called NIVO Substation and initially will be constructed with two 84MVA, 230-34.5kV transformers and associated equipment. The proposed substation will be configured to ultimately accommodate four transformers and associated equipment. The proposed substation will serve the datacenter complex in the adjacent Ashburn Corporate Center, and as described below, will free-up capacity in the existing Beaumeade Substation to serve other customers in the area. Additionally, construction of NIVO Substation will improve the overall reliability of electric service in eastern Loudoun County.

The subject parcel is zoned PD-IP under the 1972 Loudoun County Zoning Ordinance and is located on the east side of Smith Switch Road, approximately one-half mile north of Farmwell Road in the Dulles Election District. Adjacent uses include datacenter uses in the PD-IP Ashburn Corporate Center to the south and flex-industrial and warehouse uses in the PD-IP Beaumeade Business Park to the east and north. The remainder of the subject parcel, located between the substation site and Smith Switch Road, will be developed with compatible PD-IP uses. A future PD-H3 residential project, Stonegate, is located on the west side of Smith Switch Road approximately 1,000 feet from the proposed substation site. The existing R-1 Cameron Chase neighborhood is located to the south of Stonegate.

The proposed substation site is within an area recommended for Business uses by the Revised General Plan and, as noted above, is zoned PD-IP and is surrounded by existing or planned light industrial uses. The location, character and extent of the proposed substation is in conformance with the County's adopted comprehensive plan policies, particularly with respect to compatible land use and the advancement of economic development.

Dominion Virginia Power received a request from the Customer for additional datacenter load of 104 MVA at Customer's Ashburn Corporate Center complex ("ACC Complex") at Smith Switch Road and Chillum Place in Ashburn, Virginia. DuPont Fabros is a company that owns, develops, operates, and manages datacenters. They have numerous datacenters in northern Virginia and other locations in the United States. DuPont Fabros leases space inside their datacenters to national and international technology customers, such as those who provide internet information search functions. The computer equipment housed in these datacenters is critical to those customers' businesses.

In general, datacenters are secure buildings that house physical computer equipment and require electrical power, cooling, and fiber optic communication systems. As an example, the information displayed in an internet search is stored in a computer server that is housed in a datacenter. Because they require continuous around the clock and around the calendar operation, datacenters are highly sensitive to electrical power reliability. Datacenters require large blocks of power from the utility in order to run their large concentration of high power consuming computer equipment and cool the facilities.

Without construction of NIVO Substation and the associated transmission line (regulated under the authority of the State Corporation Commission), the addition of the new datacenter load at the ACC Complex will overload the electrical distribution system beginning in the summer of 2010.

If the new datacenter load is fed from Beaumeade Substation, Beaumeade Substation is projected to overload in summer 2011 for normal loading conditions. Under this same scenario, the datacenter load being fed from Beaumeade Substation, by summer 2010, should any one of the transformers at Beaumeade Substation fail, the remaining transformers would not be able to pick up the load. Therefore, construction of the Project is targeted for summer 2010.

In planning for this Project, the Company considered several alternatives, including the potential expansion of the existing Beaumeade, BECO and Greenway Substations and found that a new substation at the proposed location was the most favored solution in terms of overall costs, environmental considerations, and added capacity to the local electrical distribution system.

The proposed substation has been sited on the eastern-most portion of the subject parcel in order to minimize impacts on Smith Switch Road and the future and existing residential uses to the west. The tallest component of the substation equipment will be three 75-foot tall static poles. The purpose of the static poles is to support a static wire which will provide a path to ground in the event of a potential lightning strike. The proposed height and location of the static poles are critical to safeguard the substation equipment and thus to ensure electric reliability. The static wire is situated above the substation and is in essence a lighting rod to attract lightning and provide a cone of protection to the equipment below. The static poles are self-supporting steel structures that have a very low probability of failure. The flex industrial/warehouse buildings and data centers on the adjacent properties are all located more than 100 feet from the static poles, and will be screened from the substation compound by Type 4 buffer yards.

The remainder of the substation equipment will be less than 27 feet in height, approximately 20 feet high on average. Existing vegetation will help screen the site in the near term, while the planned landscaping/screening will provide long term screening. In addition, the transmission lines for the substation will be underground in accordance with a pilot project under HB 1319, subject to approval by the State Corporation Commission ("SCC").

The application for the new 230 kV double circuit underground transmission line from the proposed expansion of Beaumeade Substation to the proposed NIVO Substation was submitted to the SCC on July 21, 2008. The Company anticipates beginning construction of this line by fall 2009.

In summary, the proposed substation has been sited to compliment the existing and planned Business uses in this light industrial area and to mitigate impacts on adjacent uses. The use is consistent with the policies of the Revised General Plan and conforms to all applicable zoning requirements. The proposed substation will serve an important datacenter complex and advance economic development, will free-up capacity in the existing Beaumeade Substation to serve other customers in the area, and will improve the overall reliability of electric service in eastern Loudoun County. Dominion Virginia Power respectfully requests approval of these applications by the Staff, Planning Commission and Board of Supervisors.

Dominion Virginia Power

Commission Permit and Special Exception Applications

Section 1211.5 – Standards for Special Exceptions

1. Preserve the agricultural character of the County: The Property is not located in and agricultural area and is not in agricultural use. The Property is currently zoned for light industrial use and is located in an area recommended by the Revised General Plan for Business uses.
2. Conserve the groundwater supply: The Property is located in an area served by public water. The proposed unmanned substation will not require water service.
3. Avoid residential uses on soils incapable of meeting water and/or sewage disposal requirements: The Property is not zoned for residential use and no residential uses are proposed. The proposed unmanned substation will not require water and sewage disposal services.
4. Protect against undue density of population in relation to existing community facilities: The proposed unmanned substation will not adversely impact community facilities.
5. Facilitate highway development and lessen traffic congestion: The proposed unmanned substation will not adversely impact the local road network.
6. Protect residential areas: The proposed substation is located away from residential areas and will be screened to mitigate visual impacts. The associated planned transmission lines are proposed underground.
7. The proposed use shall be in harmony with the comprehensive plan policies: The proposed substation is located in an area recommended by the Revised General Plan for Business uses and will support economic development activities by providing service to important data center uses.
8. The proposed use shall be in harmony with the zoning regulations: The proposed substation will comply with all applicable zoning regulations and approved zoning modifications.
9. The proposed use shall not adversely impact or discourage the appropriate development and use of adjacent properties: The adjacent PD-IP properties have been developed and the location of the proposed substation will not adversely impact the development of the remaining portion of the subject PD-IP Property. In fact, not building the proposed substation will adversely impact the adjacent approved datacenters by restricting the supply of vital electrical power.

Dominion Virginia Power

**NIVO Substation
CMPT 2008-0015/SPEX 2008-0044**

**Proposed Zoning Ordinance Modification
ZMOD 2008-001
Revision date: March 23, 2009**

Zoning Ordinance Requirement to be Modified: Height Limitations

"Section 520.4.1. The height limitations of this chapter shall not apply to barns, silos, farm buildings, residential chimneys, spires, flag poles, monuments or transmission towers and cables; nor to any smokestack, water tank, radio or television antenna or tower not exceeding in height the distance there from to the nearest lot line; provided, that this height limitation shall not apply to any of the above enumerated structures now or hereafter located on existing public utility easements."

Proposed Modification

Three static poles up to 75 feet in height may be located no less than 40 feet from adjacent non-residential property lines provided that the static poles are located within the confines of the substation compound and are screened from the adjacent properties by Type 4 Buffer Yards, as shown on the Special Exception Plat.

Justification

Satisfies the public purpose at least to an equivalent degree. The proposed height and location of the static poles are critical to safeguard the substation equipment and to ensure electric reliability. The purpose of the static poles is to support a static wire and to provide a path to ground in the event of a potential lightning strike. The static poles are self-supporting steel structures that have a very low probability of failure. The flex industrial/warehouse buildings and data centers on the adjacent properties are all located more than 100 feet from the static poles, and will be screened from the substation compound by Type 4 buffer yards. Thus in effect health and safety are both promoted and maintained by the location of these static poles.

Dominion considered alternate locations of the static poles and alternate arrangements of the substation including a 90° orientation of the substation. The location of the static poles and the static wire situated above is in essence a lightning rod to attract lightning and provide a cone of protection to the equipment below. To move the eastern most static pole closer to Smith Switch Road, would leave essential equipment without protection. Moving the substation equipment to change the configuration

allowing the eastern-most static pole to be closer to Smith Switch Road is not feasible because of design of the transmission lines coming into the substation and because of design of distribution lines exiting the substation. A 90° rotation of the substation would also present electrical design impediments as well as it presenting additional environmental impacts to the existing pond with associated site development/grading activities.

Each static pole has a top diameter of 15 inches and a base diameter of 23 inches. The static pole is anchored/bolted on a concrete foundation so as to be self-supporting, no need for guy wires. The request of this reduced setback will not appreciably obstruct light, air, nor viewshed of the adjacent properties because of the minimal width diameter of the static poles. The request of the reduced setback will not pose any health or safety threats. In fact because this location for the static poles is the only appropriate location it promotes the safety.

Dominion Virginia Power
701 East Cary Street, Richmond, VA 23219
Mailing Address: P.O. Box 26666
Richmond, VA 23261
Web Address: www.dom.com



March 10, 2009

Loudoun County
Attention: Mr. Stephen Gardner
Loudoun County Department of Planning
1 Harrison Street, S.E., 3rd floor, P.O. Box 7000
Leesburg, VA 20177-7700



RE: SPEX-2008-0044/CMPT-2008-0015, NIVO Substation

Dear Mr. Gardner:

With respect to comments from the various agencies, we offer the following responses to outstanding issues:

Community Planning Comments

1. Dominion agrees to commit to landscaping as conceptually shown on the commission permit/special exception permit plan, agrees to a long-term maintenance plan, and agrees to the use of 83% native/nativar species.
2. Dominion agrees to commit to lighting that is downward directed and fully-shielded, providing a glare-free environment confined to the site.

Zoning Comments

1. A subdivision waiver will be submitted in association with the True Green relocation plan.
2. Landscaped open space was added to the cover sheet of the plans.
3. Per a 3/9/09 conversation with Nita Bearer, a note regarding Glare Standards from 535.3 has been added to the cover sheet. This conversation was to clarify the citation from the 2/18/09 memo.

Two other changes were made to the plan not due to any review comments. The first is the relocation of the entrance road to the substation. In order to minimize entrances to Smith Switch Rd., we have opted to utilize the existing entrance at the northern end of the parcel. This will be a shared access with the TruGreen facility that has a proposed use at the front of the parcel. The second change is the abandon label to the irrigation well in the middle of the parcel. This well is on a portion of the parcel not the subject of this special exception/commission permit. TruGreen would like to continue to use this irrigation well. Per a 3/5/09 conversation with Matthew Tolley, Matt indicated this would be acceptable.

Respectfully,

A handwritten signature in blue ink, appearing to read "CFisher".

Courtney R. Fisher
Senior Siting & Permitting Specialist

Copy: Jeff Nein, Senior Land Use Planner, Cooley Godward Kronish LLP
Steve Quarberg, Dominion Project Manager

ATTACHMENT 4

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Dominion Virginia Power
701 East Cary Street, Richmond, VA 23219
Mailing Address: P.O. Box 26666
Richmond, VA 23261
Web Address: www.dom.com



January 22, 2009

Loudoun County
Attention: Mr. Stephen Gardner
Loudoun County Department of Planning
1 Harrison Street, S.E., 3rd floor, P.O. Box 7000
Leesburg, VA 20177-7700



RE: SPEX-2008-0044/CMPT-2008-0015, NIVO Substation

Dear Mr. Gardner:

With respect to comments from the various agencies, we offer the following responses:

Zoning Comments

1. Adjacent property owners have been updated and the current use of the property is shown on the plat.
2. A note has been added to sheet 1 indicating the development of the property is subject to the proffers associated with ZMAP-1986-0024.
3. A Proposed Zoning Ordinance Modification is included as part of this submittal package, and a notation regarding the request is on the cover sheet.
4. Conceptual landscaping sheets, sheets 5 & 6, were added to demonstrate that the distribution easements & required landscaping are compatible.
5. Sheet 3 of the plat indicates a Proposed Substation Wall. The 6' chainlink fence that shows up on this sheet as well as on sheet 2 is existing around the TruGreen landscaping company.
6. A note has been added to the conceptual landscaping sheet, sheet 5, that indicates a tree canopy of 10%, at the time of maturity, shall be provided pursuant to Section 555.04.
7. The required parking space is shown on sheet 3 of the plat (in the middle of the substation area.)
8. The table on sheet 1 has been revised to include the total acreage of the parcel.

Community Planning Comments

1. The area of this Special Exception permit and Commission Permit is a limited portion of the property that is already sited on the portion of the property that is already developed. Dominion proposes to preserve trees where possible (the substation entrance road as shown on sheet 3 has been shifted to avoid a small patch of trees) and suggests that the landscape buffering will mitigate for any loss to forest resources.

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2. Conceptual landscaping sheets, sheets 5 & 6, were added to demonstrate the that the distribution easements & required landscaping are compatible.
3. Dominion has included with this submittal suggested CONDITIONS OF APPROVAL that include lighting provision to address concerns of Community Planning. Sheet 5 also has been added to show proposed lighting (and conceptual landscaping).
4. Page 4 of the land use review letter dated December 19, 2008 notes that under the provisions of House Bill 1319 the SCC is directed to approve three such lines. House Bill 1319 actually directs the SCC to approve four such lines, but includes a project that had already received its certificate of public convenience and necessity from the SCC, in effect, leaving three new projects to be designated under the pilot program.

Environmental Engineering

1. As per conversation with Todd Taylor on January 8, 2008, the tree cover as shown was taken from survey information and is acceptable; however, as per our discussion, the symbol itself was revised to make it more readable. As further suggested in our conversation, the substation entrance road, as shown on sheet 3, was shifted to avoid a small patch of trees.
2. The jurisdictional determination project number and date (JD# 07-2417 and June 1, 2007) have been added to sheets 2 & 3.
3. The upstream wetland above the pond has been added to sheets 2 & 3.

Health Department

1. Sheet 2 has been amended to remove the 'abandoned' label on the eastern most well, both wells are now labeled as active.

Transportation Services

1. Thirty-five feet right-of-way from the centerline is shown on sheet 3.

VDOT

1. Thirty-five feet right-of-way from the centerline is shown on sheet 3.
2. Per a 1/21/09 conversation with Kevin Nelson, it is okay to wait until the site plan to demonstrate adequate sight distances for the site access.

Respectfully,

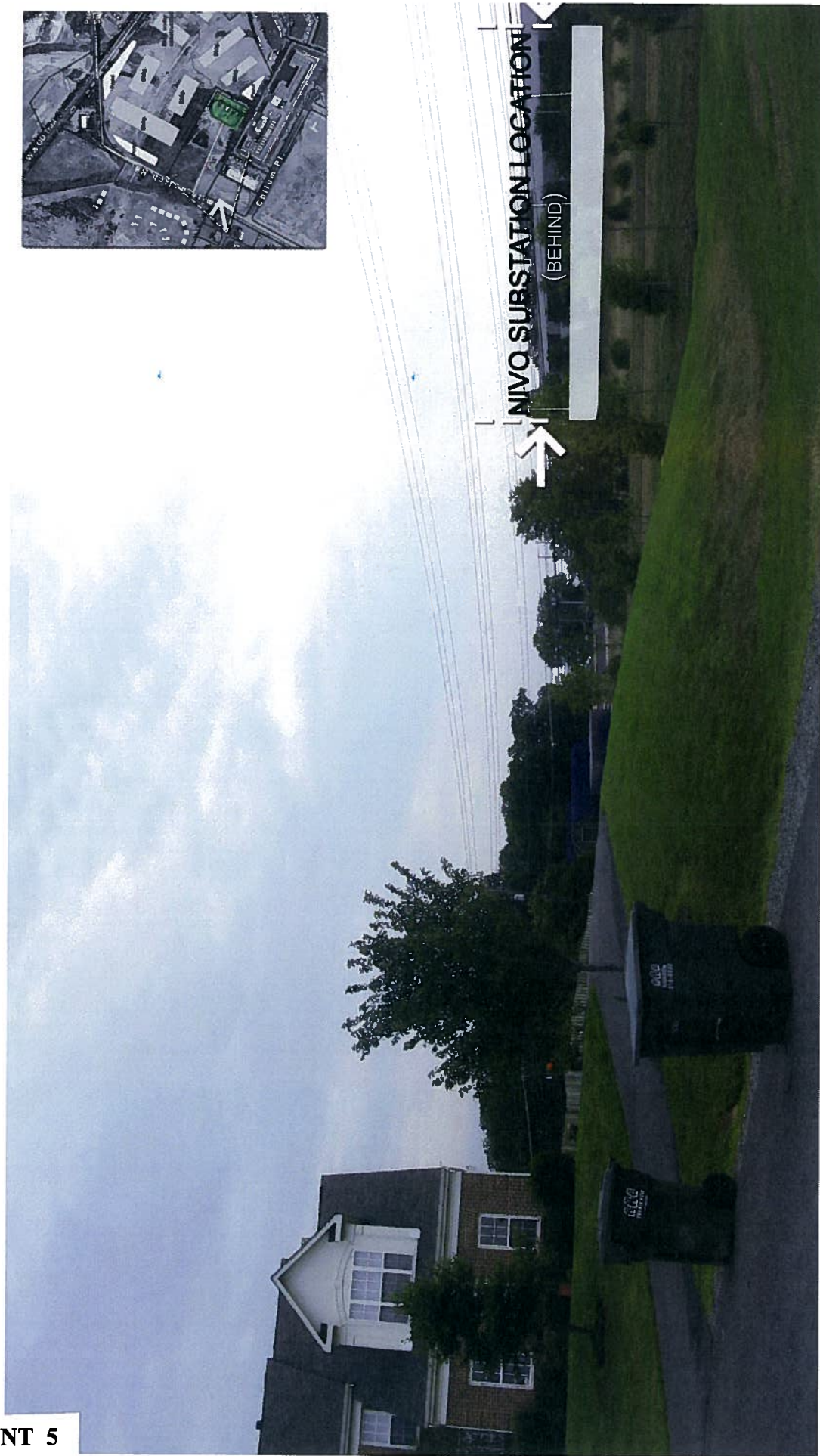


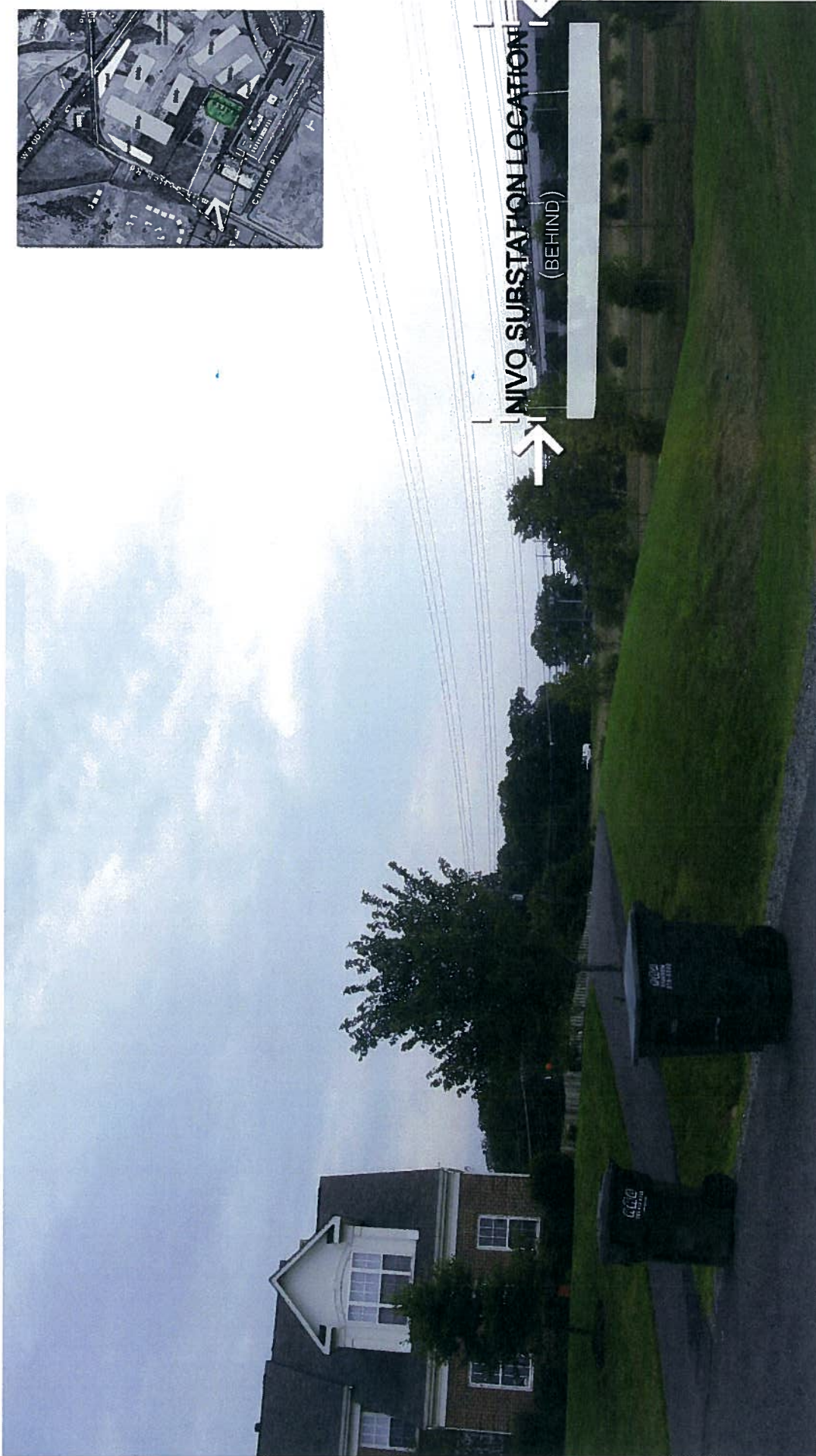
Courtney R. Fisher
Senior Siting & Permitting Specialist

Copy: Jeff Nein, Senior Land Use Planner, Cooley Godward Kronish LLP
Steve Quarberg, Dominion Project Manager

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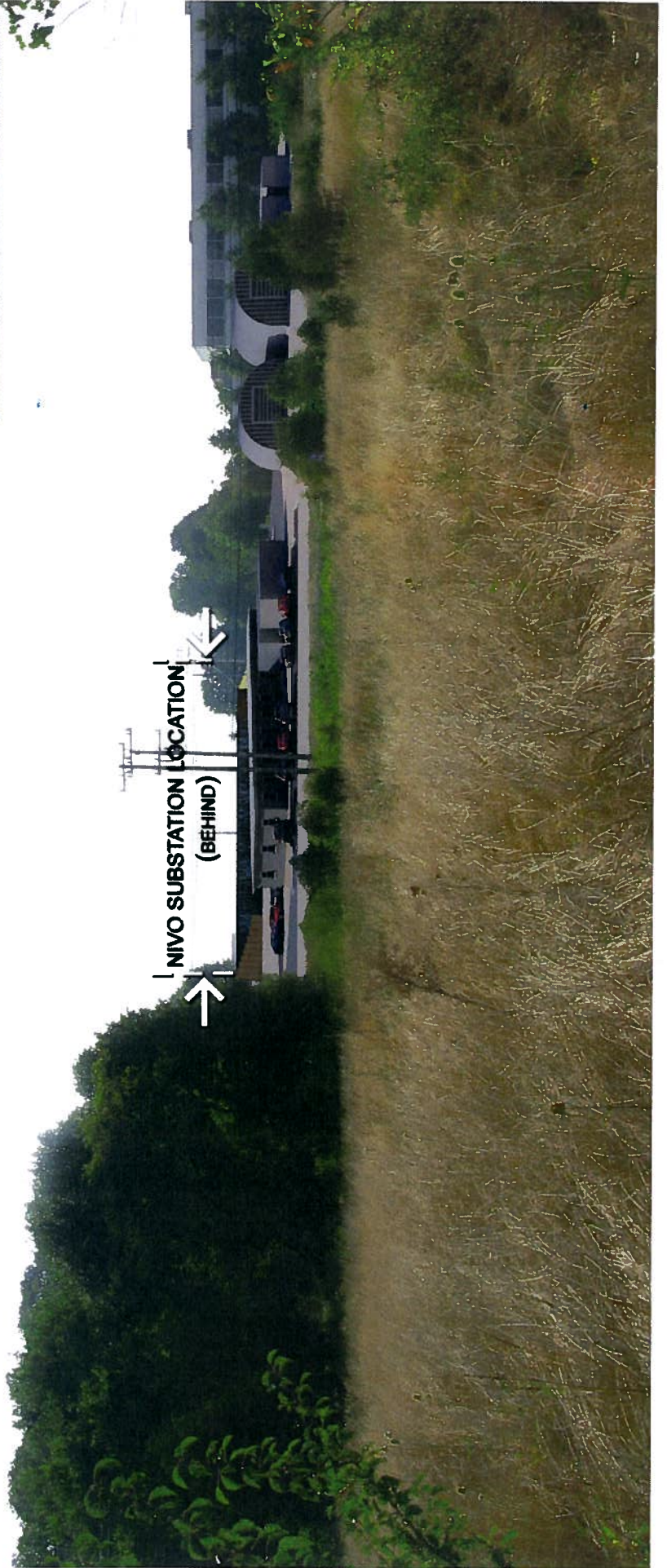
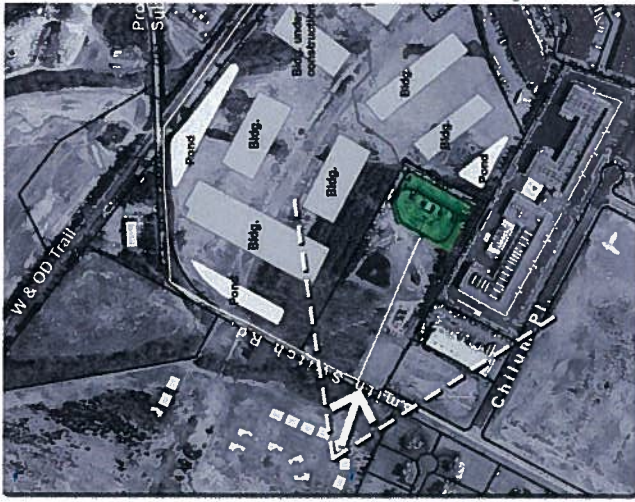


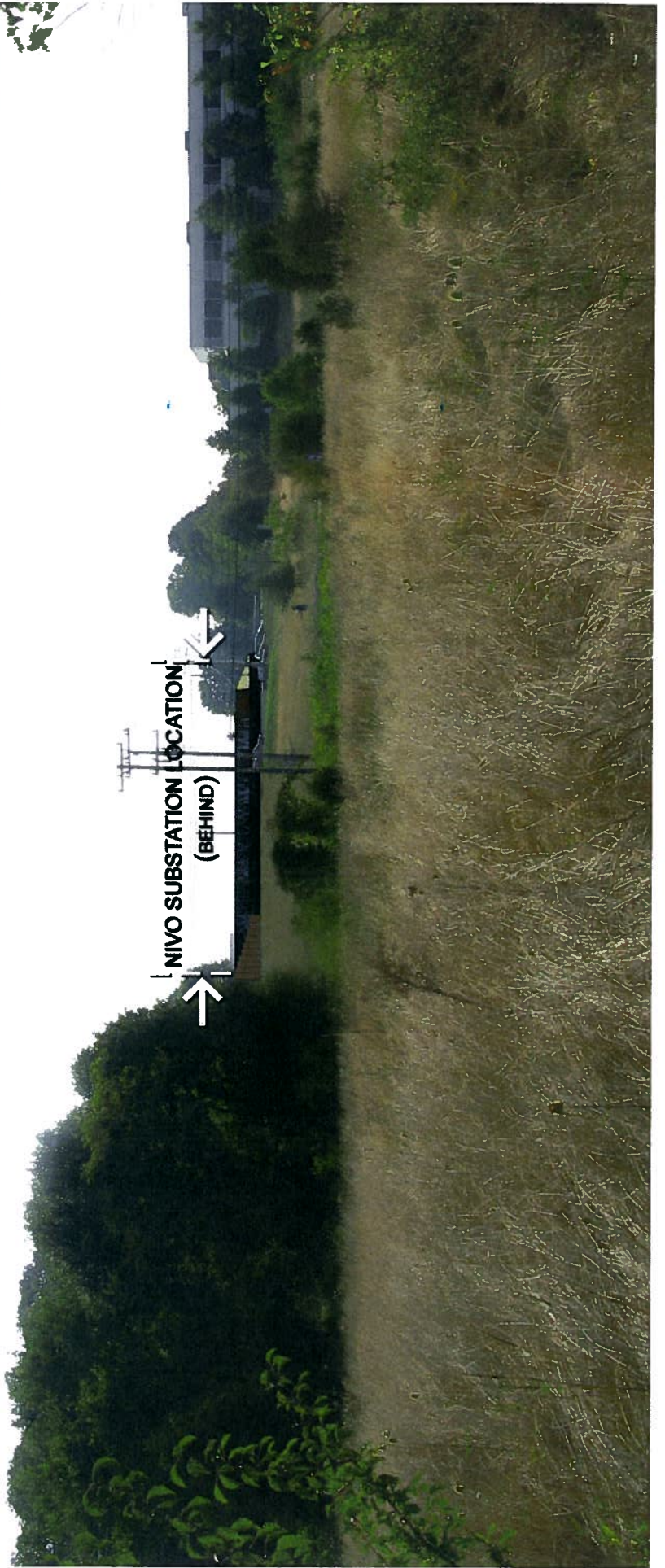


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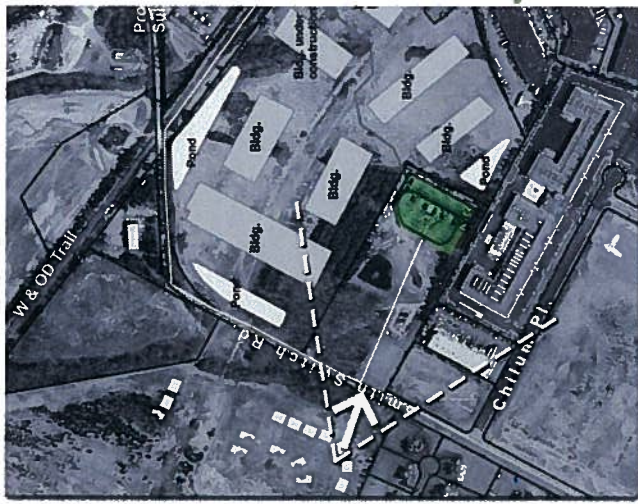


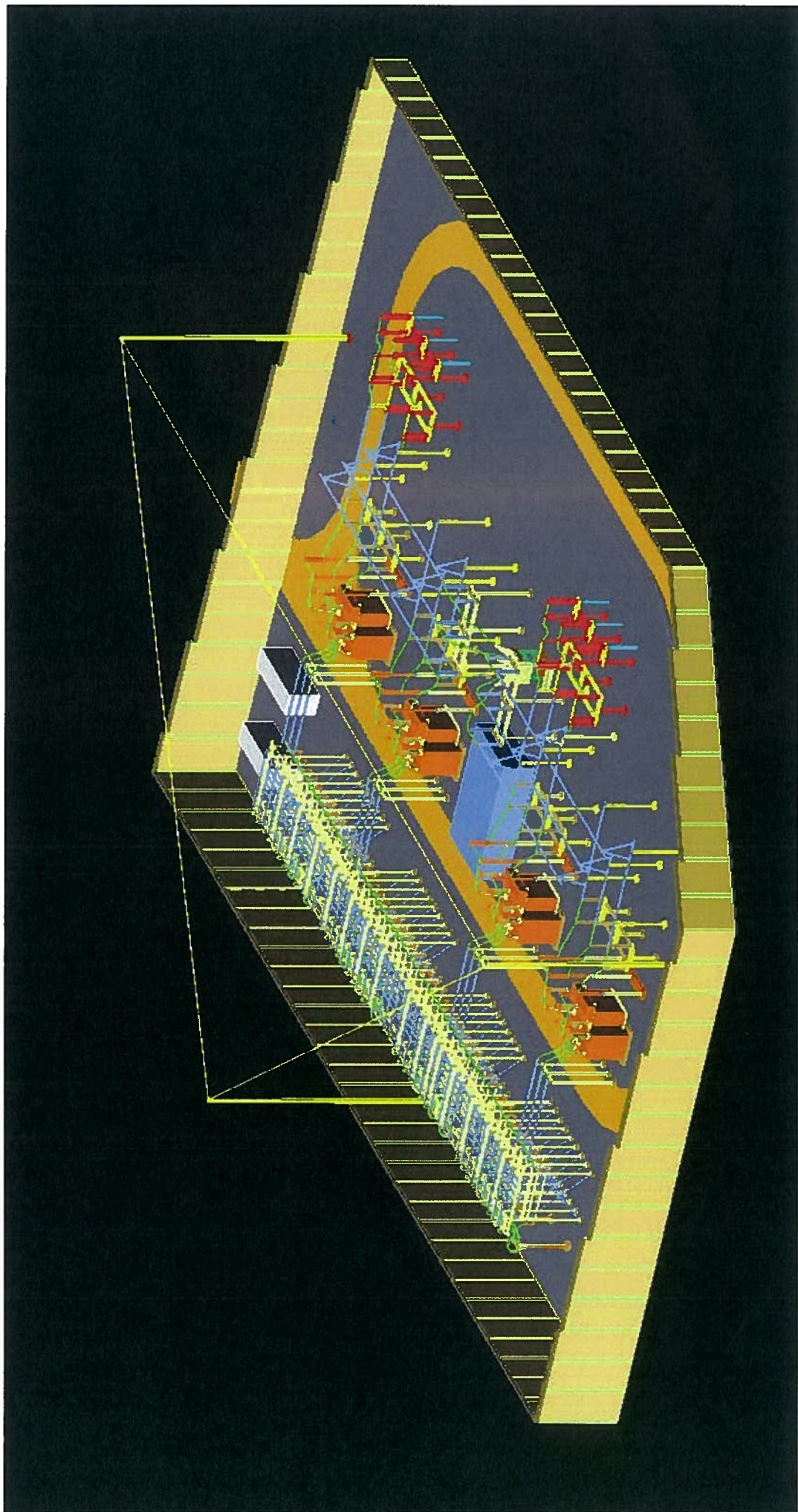
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